EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2008-0251-MWD-E **TCEQ ID:** RN101920759 **CASE NO.:** 35376

RESPONDENT NAME: City of Roxton

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
SITE WHERE VIOLATION(S) OCCURR Farm-to-Market Road 137 and Chaparral Rai TYPE OF OPERATION: Domestic wastew SMALL BUSINESS: Yes X	·	7 2,400 feet southeast of the intersection of south side of Roxton, Lamar County
	e are no complaints. There is no record of additiona	al pending enforcement actions regarding this
INTERESTED PARTIES: No one other that	in the ED and the Respondent has expressed an inter	rest in this matter.
COMMENTS RECEIVED: The Texas Regi	ister comment period expired on July 7, 2008. No c	omments were received.
5223; Mr. Bryan Sinclair, Enforcen Respondent: The Honorable James Ms. Janet Wheeler, City Secretary,	r: None Ms. Lauren Smitherman, Enforcement Division, Enent Division, MC 219, (512) 239-2171 Cooper, Mayor, City of Roxton, P.O. Box 176, RoxCity of Roxton, P.O. Box 176, Roxton, Texas 7547 sented by counsel on this enforcement matter	xton, Texas 75477

RESPONDENT NAME: City of Roxton DOCKET NO.: 2008-0251-MWD-E

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED **Ordering Provisions:** Type of Investigation: Total Assessed: \$12,595 Complaint Routine Total Deferred: \$2,519 The Order will require the Respondent to: Enforcement Follow-up X Expedited Settlement X Records Review a) Within 30 days after the effective date Financial Inability to Pay of this Agreed Order: Date(s) of Complaints Relating to this Case: None SEP Conditional Offset: \$0 i. Submit the SSLY and SLSA portions of Date of Record Review Relating to this Total Paid to (Due) General Revenue: \$1,326 the annual sludge report for the monitoring Case: January 11, 2008 (remaining \$8,750 due in 35 monthly payments period ending July 31, 2007; and of \$250 each) Date of NOE Relating to this Case: ii. Submit the DMR for the monitoring February 1, 2008 (NOE) **Site Compliance History Classification** period ending September 30, 2007. __ High X Average ___ Poor Background Facts: This was a record **Person Compliance History Classification** review. b) Within 45 days after the effective date High X Average Poor of this Agreed Order, submit written WATER certification of compliance with Ordering Major Source: Yes X No Provisions a.: 1) Failure to comply with the permitted effluent limitations for dissolved oxgen, Applicable Penalty Policy: September 2002 five-day biochemical oxygen demand, pH, c) Within 60 days after the effective date of this Agreed Order, submit written and total suspended solids [Tex. WATER certification of compliance with the CODE § 26.121(a), 30 TEX. ADMIN. CODE effluent limits of TPDES Permit No. § 305.125(1), and Texas Pollutant WQ0010204001, including specific Discharge Elimination System ("TPDES") corrective actions that were implemented Permit No. WQ0010204001, Effluent at the Facility to achieve compliance and Limitations and Monitoring Requirements copies of the most current self-reported Nos. 1, 3 and 6]. DMRs, demonstrating at lease three consecutive months of compliance with all 2) Failure to submit monitoring results at permitted effluent limitations; and the intervals specified in the permit. Specifically, the Respondent failed to submit the Pathogen Density Data for Land d) The certification shall include detailed Application ("SSLY") and the Surface supporting documentation including Disposal ("SLSA") portions of the annual photographs, receipts, and/or other records sludge report for the monitoring period to demonstrate compliance with Ordering ending July 31, 2007 by September 1, Provisions a. and c. 2007 [30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0010204001, Sludge Provisions]. 3) Failure to submit the discharge monitoring report ("DMR") for the monitoring period ending September 30, 2007 [30 Tex. Admin. Code §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0010204001, Monitoring and Reporting Requirements No. 1].

Policy Revision 2 (Septe	Penalty Calcumber 2002)	ulation Work	sheet (P	CW) PCW Revision J	lanuary 29, 2008
TCEQ DATES Assigned PCW	4-Feb-2008 11-Feb-2008 Screening 11-Fe	eb-2008 EPA Due	• · · · · · · · · · · · · · · · · · · ·		
RESPONDENT/FACILITY Respondent Reg. Ent. Ref. No.	City of Roxton				
Facility/Site Region	5-Tyler	Major	r/Minor Source	Minor	
CASE INFORMATION Enf./Case ID No. Docket No. Media Program(s) Multi-Media Admin. Penalty \$ L	2008-0251-MWD-E Water Quality	Er			
Admin. Femaley 4 L		Calculation Se	ction		2 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -
TOTAL BASE PENAL	ا Perialty C TY (Sum of violation base	Comment of the Annales and Comment of the Comment o	Guon	Subtotal 1	\$5,500
ADJUSTMENTS (+/-)			ercentage		
Compliance Histo	íry	144% Enhancemen	t Subt	otals 2, 3, & 7	\$7,920
Notes	The penalty is enhanced due to violations, and two NOV	o 28 self-reported mod /s with unrelated viola	nthly effluent tions.		
Culpability	No	0% Enhancemen	t single	Subtotal 4	\$0
Notes	The Respondent does no	t meet the culpability	criteria.		
Good Faith Effort	to Comply Before NOV NOV to EDPRP/Settle	0% Reduction		Subtotal 5	. \$0
Extraordinary Ordinary					
N/A Notes	x (mark with x) The Respondent does no	ot meet the good faith	criteria.		
Approx.	Total EB Amounts \$882 Cost of Compliance \$6,125	0% Enhancement *Capped at the Total En		Subtotal 6	\$0
SUM OF SUBTOTAL	31-7		3.493.3	Final Subtotal	\$13,420
	S JUSTICE MAY REQUIRE ubtotal by the indicated percentage.	-6	%	Adjustment	-\$825
Notes	Recommend reduction in the p violations do not overly	enalty so that monthly r-impact the penalty ar	self-reported mount		
			Final Pe	enalty Amount	\$12,595
STATUTORY LIMIT A	DJUSTMENT		Final Ass	essed Penalty	\$12,595
DEFERRAL Reduces the Final Assessed Per	alty by the indicted percentage. (Enter nun	20 nber only; e.g. 20 for 20% n		Adjustment	-\$2,519
Notes	Deferral offered fo	or expedited settlemer	nt		

PAYABLE PENALTY

Screening Date 11-Feb-2008 Docket No. 2008-0251-MWD-E

PCW

Policy Revision 2 (September 2002) PCW Revision January 29, 2008

Respondent City of Roxton .

Case ID No. 35376

Reg. Ent. Reference No. RN101920759 Media [Statute] Water Quality

npliance Histor Component	Compliance History Worksheet y Site Enhancement (Subtotal 2) Number of	inter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	28	140%
	Other written NOVs	2	4%
* 2.	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	01	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Please	e Enter Yes or No	
1	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
NO CONTROL OF THE STATE OF THE	Adjustment Pe	rcentage (Su	btotal 2)
at Violator (Su		er (Left gelegger)	in the second
No	Adjustment Pe	rcentage (Su	btotal 3) 🛚
	Person Classification (Subtotal 7)		94 / T. Y
Average Pe	Aujusunent Fe	rcentage (Su	btotal 7)
pliance History	Summary		
Compliance History Notes	The penalty is enhanced due to 28 self-reported monthly effluent violations, and two NOVs w violations.	ith unrelated	
	Total Adjustment Percentage (Cubicials 0	2 0 21 [

	Screening Date	11-Feb-2008	Docket No. 2008-0251-MWD-E	PCW
	Respondent	City of Roxton	. Policy Rev	rision 2 (September 2002)
	Case ID No.		PCW F	Revision January 29, 2008
Reg. En	nt. Reference No.			
	Media [Statute]			· Population
g. J	Enf. Coordinator	Lauren Smitherr	man	a. Or . Wildlife
	Violation Number	1	1. 0.00 (0.4) 20 T. Alvis O. d. 0.005 (0.5(4) 1.T D. II.d II	ali umbalaba
	Rule Cite(s)	Discharge E	te § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Elimination System ("TPDES") Permit No. WQ0010204001, Effluent Limitations and Monitoring Requirements Nos. 1, 3 and 6	in visitorio destruente de Vindero,
				-
v	iolation Description	Failed to cor	mply with the permitted effluent limitations, as shown in the attached violation table.	
			Base Penalty	\$10,000
>> Environn	nental, Property a	nd Human H	ealth Matrix	abase document
>> CHAILOHH	nental, r roperty a	na Haman ()	Harm	and the second
	Release	Major I	Moderate Minor	
OR	Actual		X	
PERSONAL CONTRACTOR	Potential		Percent 10%	
>>Programn	matic Matrix	E F 2. 3		
, i rogiani	Falsification	Major	Moderate Minor	
			Percent 0%	Octobra de la compansa de la compans
				espenies sented
	A simplifie	d model was use	ed to evaluate biochemical oxygen demand to determine whether the	Control Co
N			stants exceeded levels protective of human health or the environment.	
	Dissolved		uspended solids, and pH were also considered. As a result of these the environment has been exposed to insignificant amounts of pollutants	
	which do	not exceed leve	els that are protective of human health or environmental receptors.	
				Aut 1 1 1 1 1 1
			Adjustment \$9,000	1975) 2
	SE 65 4 4 4 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	Andrew Street, Street Street, St. Street, St. St.		
				\$1,000
Violation Ev	onte			
VIOIALIONEV	ents en e			
	Number of Vic	lation Events	4 244 Number of violation days	
	4	daily monthly		
	mark only one	quarterly	x Violation Base Penalty	\$4,000
	with an x	semiannual		
		annual		
		single event		
			Four quarterly events are recommended.	
Economic B	Benefit (EB) for th	is violation	Statutory Limit Test	
	Estimated	d EB Amount	\$876 Violation Final Penalty Total	\$9,160
		-	This violation Final Associated Provided Continued and Continued C	\$0.160
			This violation Final Assessed Penalty (adjusted for limits)	\$9,160

	City of Roxton	<u> </u>	Benefit W		The same of the same of		e i i i i i i i i i i i i i i i i i i i
Case ID No.							
Reg. Ent. Reference No.							
Media Violation No.	Water Quality 1					Percent Interest	Years of Depreciation
And the second s				i, i	1945	5.0	15
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	Guide and State of			20100000000000000000000000000000000000	Frohm.	
11 - His Anna Charles (Laboratoria Managero)	ACTIVATION PROPERTY OF THE PARTY OF THE PART			SAMOOTA COL	v so i i s secretarentendinalina, "		1 14770
Delayed Costs	BERT GERALFA WARAN TEN	Commence of			- 2.2885 E37 (17)	MANAGER STATE	
Egulpment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)		***************************************	Charles A.	0.0	\$0	\$0	\$0
Engineering/construction	\$6,000	1-Oct-2006	31-Oct-2008	2.1	\$42	\$834	\$876
Land				0.0	\$0	n/a	\$0
Record Keeping System		1.00		0,0	\$0 1	n/a	\$0
Training/Sampling			the structure of the structure	0.0	\$0	n/a	\$0
Remediation/Disposal		100000000000000000000000000000000000000		0.0	\$0	n/a	\$0
Permit Costs		a company of the comp	Lower Comment	0.0	\$0	n/a	\$0
		1218 22 22		7 O.O	\$0	n/a	\$0
Other (as needed)	Estimated cos	sts to replace the o	larifler sludge pun			oump motors. Date	ing a state of
Notes for DELAYED costs Avoided Costs		first noncom	pliant month. Fina	np and in il date is entering	stall new aerator p the expected date	oump motors. Date of compliance.	required is the
Notes for DELAYED costs AVoided Costs Disposal		first noncom	pliant month. Fina	np and in il date is entering	istall new aerator p the expected date	oump motors. Date of compliance.	required is the osts)
Notes for DELAYED costs AVOIDED COSTS DISPOSAL Personnel		first noncom	pliant month. Fina	np and in il date is entering 0.0	astall new aerator parties the expected date	oump motors. Date of compliance. one-time avoided c \$0 \$0	required is the osts) \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling		first noncom	pliant month. Fina	np and in all date is entering 0.0 0.0 0.0	estall new aerator partner expected date	oump motors. Date of compliance. one-time avoided c \$0 \$0 \$0	required is the osts) \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		first noncom	pliant month. Fina	entering 0.0 0.0 0.0 0.0	istall new aerator pathe expected date item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	oump motors. Date of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0	required is the osts) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		first noncom	pliant month. Fina	entering 0.0 0.0 0.0 0.0 0.0	istall new aerator; the expected date item (except for each of the state of the st	pump motors. Date of compliance. pne-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	required is the osts) \$0 \$0 \$0 \$0 \$0
AVoided Costs AVoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		first noncom	pliant month. Fina	np and in all date is entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	istall new aerator; the expected date item (except for each so	oump motors. Date of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	required is the section of the secti
Notes for DELAYED costs AVoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		first noncom	pliant month. Fina	entering 0.0 0.0 0.0 0.0 0.0	istall new aerator; the expected date item (except for each of the state of the st	pump motors. Date of compliance. pne-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	required is the osts) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		first noncom	pliant month. Fina	np and in all date is entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	istall new aerator; the expected date item (except for each so	oump motors. Date of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	required is the section of the secti
Notes for DELAYED costs AVoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		first noncom	pliant month. Fina	np and in all date is entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	istall new aerator; the expected date item (except for each so	oump motors. Date of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	required is the section of the secti
AVoided Costs AVoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		first noncom	pliant month. Fina	np and in all date is entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	istall new aerator; the expected date item (except for each so	oump motors. Date of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	required is the section of the secti

Screening Date	11-Feb-2008	Docket No	o. 2008-0251-MWD-E	PCW
Responden	t City of Roxton		Policy Re	vision 2 (September 2002)
Case ID No	. 35376		PCW	Revision January 29, 2008
Reg. Ent. Reference No	. RN101920759			
Media [Statute				
\$ - 1.1 L 1/2 L 1/2 L 1 L 1 L 1 L 1 L 1 L 1 L 1 L 1 L 1 L	Lauren Smitherman			
Violation Numbe	<u> </u>			
Rule Cite(s	30 Tex. Admin. Code §	305.125(17) and TPDES P Provisions	ermit No. WQ0010204001, Sludge	
Violation Description	the Respondent faile ("SSLY") and the Surfac	oring results at the intervals sed to submit the Pathogen D	specified in the permit. Specifically, ensity Data for Land Application s of the annual sludge report for the by September 1, 2007.	
			Base Penalty[\$10,000
>> Environmental, Property	and Human Health M	latrix		· ·
<u> </u>	Harm			
OR Release		e Minor		
Potentia			Percent 0%	
>>Programmatic Matrix				
Falsification	n Major Moderate	e Minor		
19 N. S. (19)	X		Percent 5%	
Matrix Notes	At least 30% but less	s than 70% of the permit req	uirement was met.	
			Adjustment \$9,500	i de
			Abjastment	
			Innered	\$500
Violation Events				ookenneen on the second of the
Number of V	iolation Events 1	163	Number of violation days	nee-cee-avanta
The second secon				
and the second s	daily			
***************************************	monthly		Violetian Page Benelty	\$500
mark only one with an x	quarterly semiannual		Violation Base Penalty	Ψ300
www.	annual			
Accordance	single event x			
•	The second secon			
One s	ingle event is recommend	ed based upon the record re	eview date (January 11, 2008).	
Economic Benefit (EB) for the	his violation		Statutory Limit Test	
Estimate	ed EB Amount	\$5	Violation Final Penalty Total	\$1,145
reconnection		This violation Final Ass	essed Penalty (adjusted for limits)	\$1,145
			, ,	

Case ID No	t City of Roxton 35376					ar e a dina ka	
Reg. Ent. Reference No					1.4 (1.4 %)	the device of the grade	a was a
	a Water Quality				ing seletah di Birang bermanakan	Percent Interest	Years of Depreciation
The second of th	2.00		A377 2 3			5.0	15
Item Descriptio	Item Cost n No commas or \$	Date Required		· Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Cost	5.4.1				Tarker and the second		
Equipment	ilgania a la			0.0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)	Landon Company		to the second of the second	0.0	\$0	\$0	\$0
Engineering/construction			rāstrietņiksimski.	0,0	\$0	\$0	\$0
Land			20 20 20 20 20 20 20 20 20 20 20 20 20 2	0.0	\$0	idik yen/a	\$0
Record Keeping System	1	e de la deficie de la decima.	and the second s	0.0	\$0	it him n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal			1 (T	0.0	\$0	n/a	\$0
Permit Costs Other (as needed)	\$100	1-Sep-2007	31-Aug-2008	0.0	\$0 \$5	n/a n/a	\$0 \$5
						The state of the s	
Notes for DELAYED costs	Estimated co			annual sit	ıdge report. Date	requried is the date	
Notes for DELAYED costs Avoided Cost:	Digital Report	du	ubmit a complete a e. Final date is th	annual slu e expecte	udge report. Date ed date of complie	requried is the date	the report was
	Digital Report	du	ubmit a complete a e. Final date is th	annual slu e expecte	udge report. Date ed date of complie	requried is the date	the report was
Avoided Cost: Disposal Personnel	Digital Report	du	ubmit a complete a e. Final date is th	annual slue expecte	udge report. Date ad date of complia	requried is the date ince _{tration}	the report was
Avoided Cost: Disposal Personnel Inspection/Reporting/Sampling	Digital Report	du	ubmit a complete a e. Final date is th	ennual slue expecte	udge report. Date d date of compile tem (except for a \$0 \$0 \$0	requried is the date ince.	the report was
Avoided Cost: Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Digital Report	du	ubmit a complete a e. Final date is th	e expecte ntering I 0.0 0.0 0.0 0.0	udge report. Date d date of complia tem (except for \$0 \$0 \$0 \$0	required is the date ince	the report was osts) \$0 \$0 \$0 \$0 \$0
Avoided Cost: Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Digital Report	du	ubmit a complete a e. Final date is th	e expecte ntering I 0.0 0.0 0.0 0.0 0.0	idge report. Date ad date of complia tem (except for a \$0 \$0 \$0 \$0 \$0	required is the date ince, the content of the conte	the report was \$0
Avoided Cost: Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Digital Report	du	ubmit a complete a e. Final date is th	ntering I 0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	required is the date ince	the report was \$0
Avoided Cost: Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Digital Report	du	ubmit a complete a e. Final date is th	e expecte ntering I 0.0 0.0 0.0 0.0 0.0	idge report. Date ad date of complia tem (except for a \$0 \$0 \$0 \$0 \$0	required is the date ince, the content of the conte	the report was \$0
Avoided Cost: Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Digital Report	du	ubmit a complete a e. Final date is th	ntering I 0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	required is the date ince	the report was \$0
Avoided Cost: Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Digital Report	du	ubmit a complete a e. Final date is th	ntering I 0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	required is the date ince	the report was \$0

	Scree	ning Date	11-Feb-2008	The second secon	Do	ocket No.	. 2008-0251-MWD	-E	PCW
		-	City of Roxton					Policy Revi	sion 2 (September 2002)
		ase ID No.	-					PCW R	evision January 29, 2008
Rea.	Ent. Refe	erence No.	RN101920759						1
			Water Quality						
			Lauren Smitherr	man					
		tion Number	3						
		Rule Cite(s)	30 Tex. A	Admin. Code 20010204001	§§ 305.125(17 , Monitoring a	7) and 319.7 nd Reportin	7(d) and TPDES P ig Requirements N	ermit No. o. 1	
				÷					
	Violation	Description	Failed to sub	omit the disch	narge monitorir ending Septe		OMR") for the mon	toring period	
							A SAMPLE CONTRACTOR		
								Base Penalty	\$10,000
>> Enviro	nmental,	Property a	ınd Human H	ealth Matri	ix		8428.000		
				Harm			-		
OR		Release Actual		Moderate	Minor				
		Potential					Percent	0%	
>>Progra	mmatic N	Matrix							5
ZZI TOGIA	immatic ii	Falsification	Major	Moderate	Minor				
			X			•	Percent	10%	
	[
	Matrix Notes			00% of the p	ermit requirem	nent was no	t met.		and the state of t
	L.						Adjustment	\$9,000	# 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
									\$1,000
Violation	Events					1. 6 4 章			
Violation	Lionio		-		_		_		
	!	Number of Vi	olation Events	1		114	Number of violat	ion days	

			daily monthly						
		mark only one	quarterly				Violatio	n Base Penalty	\$1,000
		with an x	semiannual						
			annual						
			single event	X					
	li .				ACM PRODUCTION				de en montale de la companya del companya del companya de la compa
				One sing	gle event is rec	commended			non-nu-special de la companya de la
		/EB\ f '!	الماراة الماراة				Statutory Lin	it Tort	
⊏conomi	c Renetit	(⊏B) for th	is violation				Statutory LIII	nt 169t	
		Estimate	d EB Amount		\$1		Violation Fin	al Penalty Total	\$2,290
The state of the s			_		Lii - i - 4'	Floral A	and Day-16: (c. !!	rated for limital	¢2.200
				Т	nis violation	rınai Asses	ssed Penalty (adj	ustea for limits)	\$2,290

Violation No	a Water Quality 3. 3					Percent Interest	Years of Depreciation
	l mac			20.64		5.0	15
	Item Cost	Date Required	Final Date	Vrs	Interest Saved	Onetime Costs	EB Amount
ltem Descriptio	A STATE OF THE STA	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		10.00		Offering Costs	ED Amount
Delayed Cost	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	2월 - 1일 17 - 17 - 17 - 17 20 12 12 12 12 12 12 12 12 12 12 12 12 12		TE-m-T		AR STANDARD	
Equipment	3	1 1	T	0.0	\$0	\$0	¢ο
Buildings	. Charles and the state of the			0.0	\$0	\$0 \$0	\$0 \$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land		-		0.0	\$0	₩ n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0 \$0
Training/Sampling	71.11.1.11.11.11.11			0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$25	20-Oct-2007	31-Aug-2008	0.0 0.9	\$0 \$1	n/a n/a	\$0 \$1 h
Other (as needed) Notes for DELAYED costs	Estimated co	st to prepare and su	bmit the monthly E	0.9 DMR. Da	\$1 ate required is the of compliance.	n/a date the DMR was o	due. Final date
Other (as needed) Notes for DELAYED costs Avoided Cost	Estimated co		bmit the monthly E is the expect ed costs before e	0.9 DMR. Da ed date ntering	\$1 steep the state required is the of compliance.	n/a date the DMR was o	sts)
Other (as needed) Notes for DELAYED costs Avoided Cost Disposal	Estimated co	st to prepare and su	bmit the monthly E	0.9 DMR. Dated date	\$1 steer required is the of compliance.	n/a date the DMR was o	\$1 state due. Final date osts)
Other (as needed) Notes for DELAYED costs Avoided Cost Disposal Personnel	Estimated co	st to prepare and su	bmit the monthly I is the expect	O.9 OMR. Date date ntering	\$1 ate required is the of compliance. item (except for compliance)	date the DMR was o	\$1 ive. Final date
Other (as needed) Notes for DELAYED costs Avoided Cost Disposal Personnel Inspection/Reporting/Sampling	Estimated co	st to prepare and su	bmit the monthly E is the expect ed costs before e	0.9 OMR. Date of date of the original o	\$1 ate required is the of compliance. item (except for c \$0 \$0 \$0	n/a date the DMR was of the project of the second of the project of the second of the	\$1 ive. Final date Solution
Other (as needed) Notes for DELAYED costs Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated co	st to prepare and su	bmit the monthly I is the expect	0.9 OMR. Date of date of the original ori	\$1 ate required is the of compliance. item (except for a so	n/a date the DMR was of the project of the second of the	\$1 but the state of the state o
Other (as needed) Notes for DELAYED costs Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	st to prepare and su	bmit the monthly I is the expect	0.9 OMR. Date of date of the original	\$1 ate required is the of compliance. item (except for compliance) \$0 \$0 \$0 \$0 \$0 \$0	n/a date the DMR was of the triple of triple of the triple of	\$1 due. Final date Solution
Other (as needed) Notes for DELAYED costs AVOIDED COST Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	st to prepare and su	bmit the monthly I is the expect	0.9 DMR. Date of the property	\$1 ate required is the of compliance. item (except for c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a date the DMR was of the triple of triple of the triple of triple of triple of the triple of tripl	\$1 due. Final date osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Other (as needed) Notes for DELAYED costs AVOIDED COST DISPOSAI Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	st to prepare and su	bmit the monthly I is the expect ed costs before e	0.9 OMR. Date of date of the original	\$1 ate required is the of compliance. item (except for compliance) \$0 \$0 \$0 \$0 \$0 \$0	n/a date the DMR was of the triple of triple of the triple of	\$1 due. Final date Solution
Other (as needed) Notes for DELAYED costs AVOIDED COST Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	st to prepare and su	bmit the monthly I is the expect	0.9 DMR. Date of the property	\$1 ate required is the of compliance. item (except for c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a date the DMR was of the triple of triple of the triple of triple of triple of the triple of tripl	\$1 due. Final date osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
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EFFLUENT VIOLATION TABLE

City of Roxton

TPDES Permit No. WQ0010204001

Docket No. 2008-0251-MWD-E

		20	01100				
	DO Monthly	BOD5 Daily	BOD5 Max.	pH Monthly	TSS Daily	TSS Daily	TSS Max.
	Min.	Avg. Conc.	Single Grab	Min.	Avg. Loading	Avg. Conc.	Single Grab
	Limit = 4.0	Limit = 20	Limit = 65	Limit = 6.0	Limit = 17	Limit=20	Limit = 65
Months	mg/L	mg/L	mg/L	SU	lbs/day	mg/L	mg/L
10/31/2006	1.1	41.80	125.0	C	c	37.62	68.0
11/30/2006	c	С	С	c	С	29.37	83.3
12/31/2006	С	26.50	С	3.8	С	50.55	76.0
2/28/2007	С	С	С	c	c	28.40	c
3/31/2007	С	С	c	5.8	c	c	C
5//31/2007	3.3	С	С	С	С	C .	С
7/31/2007	С	С	С	С	32.7	25.95	С
8/31/2007	3.5	28.78	c	С	С	42.88	С

DO = dissolved oxygen

BOD₅ = biochemical oxygen demand

TSS = total suspended solids

SU = standard units

avg. = average

conc. = concentration

lbs/day = pounds per day

mg/L = milligrams per liter

MGD = million gallons per day

min. = minimum

max. = maximum

c = compliant

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Andreas (1995) Andrea

Compliance History

Classification: AVERAGE Rating: 1.60 CN600657928 City of Roxton Customer/Respondent/Owner-Operator: Classification: AVERAGE Regulated Entity: RN101920759 CITY OF ROXTON WWTP Site Rating: 1.60 ID Number(s): PERMIT WQ0010204001 WASTEWATER WASTEWATER **PERMIT** TPDES0053538 **PERMIT** TX0053538 **WASTEWATER** WASTEWATER LICENSING **LICENSE** WQ0010204001 Rating Date: 9/1/2007 Repeat Violator: NO APPRX 2,400 FT SE OF THE INTX OF FM 137 AND Location: CHAPARRAL RAILROAD ON THE N SIDE OF DENTON CREEK AND ON THE S SIDE OF THE CITY OF ROXTON, LAMAR CO, TX **REGION 05 - TYLER** TCEQ Region: Date Compliance History Prepared: February 06, 2008 Enforcement Agency Decision Requiring Compliance History: February 06, 2003 to February 06, 2008 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Lauren Smitherman 512-239-5223 Name: Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No N/A 3. If Yes, who is the current owner? 4. if Yes, who was/were the prior owner(s)? N/A 5. When did the change(s) in ownership occur? N/A Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. Any criminal convictions of the state of Texas and the federal government. B. C. Chronic excessive emissions events. The approval dates of investigations. (CCEDS Inv. Track. No.) D. 1 03/27/2003 (185082)N/A 2 03/27/2003 (25925)3 05/02/2003 (185086)4 05/30/2003 (306827)5 06/16/2003 (306828)6 08/11/2003 (306829)7 09/02/2003 (306830)8 10/24/2003 (306831)9 12/29/2003 (306832)

10 12/29/2003

11 02/20/2004

12 02/20/2004

13 03/29/2004

14 04/12/2004

15 06/21/2004

16 07/26/2004 17 08/26/2004

18 12/20/2004

19 02/28/2005

(306834)

(306825)

(306835)

(306826)

(267139)

(356633) (283086)

(356634) (384393)

(443251)

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20 02/28/2005
                           (443261)
        21 03/31/2005
                           (384392)
        22 04/27/2005
                           (443253)
        23 06/09/2005
                           (393363)
        24 07/05/2005
                           (443255)
        25
           07/05/2005
                            (443256)
        26 07/07/2005
                            (443252)
        27 07/07/2005
                            (443254)
        28 07/07/2005
                            (443259)
        29
           07/19/2005
                            (400883)
        30 09/15/2005
                            (443257)
        31 09/15/2005
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        32 09/15/2005
                             (443260)
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        33
                            (431725)
        34 12/27/2005
                            (473012)
        35 12/27/2005
                            (473013)
        36 03/27/2006
                            (473011)
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           10/09/2007
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                            (608189)
        53 10/09/2007
                            (608190)
        54 10/09/2007
                            (608191)
        55 02/01/2008
                            (614275)
Written notices of violations (NOV). (CCEDS Inv. Track. No.)
          Date 02/28/2003
                                 (185082)
          Self Report?
                                                                             Classification
                                                                                              Moderate
          Citation:
                            30 TAC Chapter 305, SubChapter F 305.125(1)
                            TWC Chapter 26 26.121(a)
          Description:
                            Failure to meet the limit for one or more permit parameter
          Date 03/31/2003
                                 (185086)
          Self Report?
                        YES
                                                                             Classification
                                                                                              Moderate
          Citation:
                            30 TAC Chapter 305, SubChapter F 305.125(1)
                            TWC Chapter 26 26.121(a)
          Description:
                            Failure to meet the limit for one or more permit parameter
          Date 04/30/2003
                                 (306827)
          Self Report?
                        YES
                                                                             Classification
                                                                                              Moderate
          Citation:
                            30 TAC Chapter 305, SubChapter F 305.125(1)
                            TWC Chapter 26 26.121(a)
                            Failure to meet the limit for one or more permit parameter
          Description:
          Date 05/31/2003
                                 (306828)
          Self Report?
                                                                             Classification
                                                                                              Moderate
          Citation:
                            30 TAC Chapter 305, SubChapter F 305.125(1)
                            TWC Chapter 26 26.121(a)
          Description:
                            Failure to meet the limit for one or more permit parameter
         Date
               10/31/2003
                                 (306832)
          Self Report?
                        YES
                                                                             Classification
                                                                                              Moderate
          Citation:
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30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter

TWC Chapter 26 26.121(a)

(306825)

Description:

Date 01/31/2004

E.

Classification Moderate Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)

Failure to meet the limit for one or more permit parameter

Date 04/09/2004 (267139)

Description:

Classification Minor Self Report?

30 TAC Chapter 305, SubChapter F 305.125(5) Citation:

30 TAC Chapter 317 317.4(g)

Description: Failure to maintain the oxidation ditch is an operable condition.

Date 05/31/2004 (356633)

Self Report? YES Classification Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)

Failure to meet the limit for one or more permit parameter Description:

Date 07/31/2004 (356634)

Classification Moderate Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)

Failure to meet the limit for one or more permit parameter Description:

Date 08/31/2004 (443259)

Classification Moderate Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2004 (384393)

Classification Moderate Self Report?

Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

(443261)12/31/2004 Date

Classification Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a) Failure to meet the limit for one or more permit parameter

Description: Date 01/31/2005 (443251)

Classification Moderate Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 04/30/2005 (443255)

Self Report? Classification Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

06/06/2005 Date (393363)

Classification Moderate Self Report?

Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)

Failure to report an individual effluent violation for the grab sample collected on Description:

11/23/04 at 1240 pm.

Self Report? NO Classification Moderate

30 TAC Chapter 319, SubChapter A 319.7(e) Citation: Description: Failure to properly fill in the correct calculations on the monthly Discharge Monitoring

Reports.

Date 07/31/2005 (443258)

Classification Self Report? Moderate

30 TAC Chapter 305, SubChapter F 305,125(1) Citation: TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

08/31/2005 (443260)

Self Report? Classification Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a) Failure to meet the limit for one or more permit parameter Description:

(473012)Date 10/31/2005

Self Report? Classification Moderate Citation:

30 TAC Chapter 305, SubChapter F 305,125(1)

TWC Chapter 26 26.121(a)

Description:

Failure to meet the limit for one or more permit parameter

Date 03/31/2006

(608176)

Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a)

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date 07/31/2006

(608184)

Self Report? Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date 08/31/2006

(608187)

Self Report?

Citation:

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

09/30/2006 Date

(608188)

Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305,125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date 10/31/2006

(608189)

Self Report?

2D TWC Chapter 26, SubChapter A 26,121(a)

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date 11/30/2006

(608190)

Self Report?

Citation:

Citation:

YES

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter

Description: 12/31/2006

(608191)

Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date 02/28/2007

(608175)

Self Report?

Classification 2D TWC Chapter 26, SubChapter A 26.121(a)

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1).

Description:

Failure to meet the limit for one or more permit parameter

Date 03/31/2007

(608177)

Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Citation:

Failure to meet the limit for one or more permit parameter

05/31/2007 (608181) Date

Self Report?

Classification

Classification

Classification

Classification

Classification

Classification

Classification

Classification

Classification

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Date 07/31/2007 Failure to meet the limit for one or more permit parameter

(608185)

Self Report?

Classification

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date 08/01/2007

(608186)

Self Report? YES Classification

Moderate

Citation:

Description:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter

G. Type of environmental management systems (EMSs).
 N/A
 H. Voluntary on-site compliance assessment dates.
 N/A

. Participation in a voluntary pollution reduction program.

NI/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF ROXTON	§	
RN101920759	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-0251-MWD-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Roxton ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

- 1. The City owns and operates a domestic wastewater treatment facility located approximately 2,400 feet southeast of the intersection of Farm-to-Market Road 137 and Chaparral Railroad on the north side of Denton Creek and on the south side of Roxton in Lamar County, Texas (the "Facility").
- 2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
- 3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
- 4. The City received notice of the violations alleged in Section II ("Allegations") on or about February 6, 2008.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Twelve Thousand Five Hundred Ninety-Five Dollars (\$12,595) is assessed by the Commission in settlement of the violations alleged in Section II

	·		
s			

("Allegations"). The City has paid One Thousand Three Hundred Twenty-Six Dollars (\$1,326) of the administrative penalty and Two Thousand Five Hundred Nineteen Dollars (\$2,519) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the City to pay all or part of the deferred penalty.

The remaining amount of Eight Thousand Seven Hundred Fifty Dollars (\$8,750) of the administrative penalty shall be payable in 35 monthly payments of Two Hundred Fifty Dollars (\$250) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the City fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the City to meet the payment schedule of this Agreed Order constitutes the failure by the City to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to comply with the permitted effluent limitations, in violation of Tex. WATER CODE § 26.121(a), 30 Tex. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010204001, Effluent Limitations and Monitoring Requirements Nos. 1, 3 and 6, as documented during a record review conducted on January 11, 2008 and shown in the following violation table:

EFFLUENT VIOLATION TABLE							
	DO Monthly Min.	BODs Daily Avg. Conc.	BOD5 Max. Single Grab	pH Monthly Min.	TSS Daily Avg. Loading	TSS Daily Avg. Conc.	TSS Max. Single Grab
Months	Limit = 4.0 mg/L	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 6.0 SU	Limit = 17 lbs/day	Limit = 20 mg/L	Limit = 65 mg/L
10/31/2006	1.1	41.80	125.0	С	С	37.62	68.0
11/30/2006	С	c	c	С	c	29.37	83.3
12/31/2006	С	26.50	c	3.8	c	50.55	76.0
2/28/2007	c	c	С	c	с	28.40	С ,
3/31/2007	c	С	С	5.8	С	С	С
5//31/2007	3.3	С	С	c	С	c ·	С
7/31/2007	С	С	c	c c	32.7	25.95	С
8/31/2007	3.5	28.78	С	С	с	42.88	С
DO = dissolved oxygen				lbs/day = pounds per day			
BOD ₅ = biochemical oxygen demand TSS = total suspended solids				mg/L = milligrams per liter MGD = million gallons per day			
SU = standard units				min. = minimum			
avg. = average				max. = maximum			
conc. = concentration				c = compliant			

- 2. Failed to submit monitoring results at the intervals specified in the permit, in violation of 30 Tex. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010204001, Sludge Provisions, as documented during a record review conducted on January 11, 2008. Specifically, the City failed to submit the Pathogen Density Data for Land Application ("SSLY") and the Surface Disposal ("SLSA") portions of the annual sludge report for the monitoring period ending July 31, 2007 by September 1, 2007.
- 3. Failed to submit the discharge monitoring report ("DMR") for the monitoring period ending September 30, 2007, in violation of 30 Tex. ADMIN. CODE §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0010204001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on January 11, 2008.

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Roxton, Docket No. 2008-0251-MWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the City shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order,
 - i. Submit the SSLY and SLSA portions of the annual sludge report for the monitoring period ending July 31, 2007 to the address in Ordering Provisions 2.a.ii below; and
 - ii. Submit the DMR for the monitoring period ending September 30, 2007, to:

TPDES Compliance Monitoring Section Enforcement Division, MC 224 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions 2.a, in accordance with Ordering Provisions 2.d below;
- c. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010204001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be in accordance with Ordering Provisions 2.d below; and
- d. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a and 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Tyler Regional Office Texas Commission on Environmental Quality 2916 Teague Drive Tyler, Texas 75701-3756

- 3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Solu Sallin	7/21/2008
For the Executive Director	Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date

The Vheeler

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Name (Printed or typed) Authorized Representative of City of Roxton

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.